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25 Attorneys for Plaintiffs M.P., a minor, and ROY MCCOLLUM

16 **UNITED STATES DISTRICT COURT**  
17 **EASTERN DISTRICT OF CALIFORNIA**

18 M.P., a minor, by and through his guardian ad  
19 item, Roy McCollum, individually and as  
20 successor in interest to Decedent BRITTANY  
CAITLIN McCULLUM; and ROY  
21 McCollum, individually,

22 Plaintiffs,  
23 v.

24 **CASE NO. 2:23-cv-00245-KJM-AC**  
25 **STIPULATION AND ORDER FOR FILING OF**  
26 **A FIRST AMENDED COMPLAINT AND**  
27 **RELIEVING DEFENDANTS FROM**  
RESPONDING TO COMPLAINT (ECF NO. 25)

28 COUNTY OF SAN JOAQUIN, a public  
29 entity; San Joaquin County Sheriff PATRICK  
30 WITHROW; San Joaquin County Employees  
31 PAULA ALEYDA ARAGON DE  
32 GONZALEZ, LVN; MARY M. CENDANA,  
33 RN; and County of San Joaquin DOES 1-50,  
34 jointly and severally,

35 Defendants.

36 Complaint Filed: 02/08/2023

37 Initial Scheduling Conference: 10/05/2023

1 Plaintiffs M.P., a minor, by and through his guardian ad litem, Roy McCollum, individually and  
2 as successor in interest to Decedent BRITTANY CAITLIN McCULLUM; and ROY McCOLLUM,  
3 individually; and Defendants COUNTY OF SAN JOAQUIN, PATRICK WITHROW, PAULA ALEYDA  
4 ARAGON DE GONZALEZS, LVN and MARY M. CENDANA, RN, by and through their counsel of  
5 record, hereby STIPULATE and AGREE that Plaintiffs may have until September 15, 2023 to file a First  
6 Amended Complaint.

7 The Parties have fruitfully met and conferred by email and phone regarding perceived pleading  
8 deficiencies in the Complaint, and the need for informal discovery from Defendant COUNTY to, among  
9 other matters, substitute DOE Defendants. On July 25, 2023, the County produced discovery informally,  
10 which Plaintiffs' counsel has not yet had time to review.

11 To allow time for Plaintiffs' counsel to review the informal production; to meet and confer further  
12 about it and any remaining perceived legal deficiencies in the Complaint; and to draft the First Amended  
13 Complaint, the Parties stipulate that Plaintiffs may have until September 15, 2023 to file a First Amended  
14 Complaint.

15 County Defendants shall file their response to Plaintiffs' First Amended Complaint thirty days  
16 later. If the County Defendants elect to file any responsive pleading other than an answer, the following  
17 briefing schedule will apply: Plaintiffs shall have thirty days from the filing of the County Defendants'  
18 motion to file an Opposition. The County Defendants' Reply to Plaintiffs' Opposition shall be due seven  
19 days after the filing of Plaintiffs' Opposition.

20 Defendants, therefore, need not file a response to the Complaint on July 31, 2023. (ECF No. 25).

21 IT IS SO STIPULATED.

22  
23  
24 Dated: July 31, 2023

Respectfully submitted,

**PORTER SCOTT**  
**A PROFESSIONAL CORPORATION**

25  
26 By /s/John R. Whitefleet  
John R. Whitefleet  
27 Attorneys for Defendants

1 Dated: July 31, 2023

2 **LAW OFFICE OF SANJAY S. SCHMIDT**  
3 **-and-**  
4 **HELM LAW OFFICE, PC**

5 /s/T. Kennedy Helm (auth'd on 7/26/23)  
6 By: T. Kennedy Helm  
7 Sanjay S. Schmidt  
8 Attorneys for Plaintiffs

9 **ORDER**

10 GOOD CAUSE APPEARING and the Parties having stipulated to the same, the  
11 Parties' stipulation is hereby APPROVED:

12 IT IS HEREBY ORDERED that COUNTY OF SAN JOAQUIN, PATRICK WITHROW,  
13 PAULA ALEYDA ARAGON DE GONZALEZS, LVN and MARY M. CENDANA, RN need not file a  
14 response to Plaintiffs' Complaint on July 31, 2023.

15 IT IS FURTHER ORDERED that Plaintiffs may have until September 15, 2023 to file a First  
16 Amended Complaint. IT IS FURTHER ORDERED that County Defendants shall file their response to  
17 Plaintiffs' First Amended Complaint thirty days later.

18 IT IS FURTHER ORDERED that, if the County Defendants elect to file any responsive pleading  
19 other than an answer, the following briefing schedule will apply: Plaintiffs shall have thirty days from the  
20 filing of the County Defendants' motion to file an Opposition. The County Defendants' Reply to  
21 Plaintiffs' Opposition shall be due seven days after the filing of Plaintiffs' Opposition.

22 The Initial Scheduling Conference set for October 5, 2023 is hereby vacated and reset to  
23 November 16, 2023 at 2:30 P.M. in Courtroom 3 before the undersigned.

24 **IT IS SO ORDERED.**

25 Dated: July 31, 2023.

26   
27 CHIEF UNITED STATES DISTRICT JUDGE